

Message

From: Zein, Maher [Maher.Zein@arcadis.com]
Sent: 7/16/2019 2:45:51 PM
To: Calanog, Steve [Calanog.Steve@epa.gov]; Mike.Makerov@BNSF.com; Stegman, Allen M [allen.stegman@bnsf.com]; Thomas, Charles D [Charles.Thomas@BNSF.com]
CC: Gallo, Madeline [Gallo.Madeline@epa.gov]; Chilingaryan, Sona [Chilingaryan.Sona@epa.gov]; Tom, Priscilla [Tom.Priscilla@epa.gov]; Vivian Craig [viviancraig@navajo-nsn.gov]
Subject: RE: 7/12/19 Haystack Mine Conf Call Notes

Thank you, Steve!

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Be green, leave it on the screen.

From: Calanog, Steve <Calanog.Steve@epa.gov>
Sent: Tuesday, July 16, 2019 4:38 AM
To: Mike.Makerov@BNSF.com; Stegman, Allen M <allen.stegman@bnsf.com>; Thomas, Charles D <Charles.Thomas@BNSF.com>
Cc: Zein, Maher <Maher.Zein@arcadis.com>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Tom, Priscilla <Tom.Priscilla@epa.gov>; Vivian Craig <viviancraig@navajo-nsn.gov>
Subject: 7/12/19 Haystack Mine Conf Call Notes

Mike and all -

BNSF: Mike Makarov

- Arcadis: Maher Zein
- Counsel: John Barg

NNEPA: Vivian Craig

USEPA: Steve Calanog; Sona Chilingaryan; Maddy Gallo

1. Health and Safety topic: heat awareness, courtesy of Maher
2. Residential lease application and DCRM update:

BNSF provided DCRM with a notice to proceed before July 4, and DCRM started work this week. DCRM expects the land, ecological, and cultural surveys to take about 2 weeks. Maher will follow up with DCRM to make sure they keep Vivian in the loop.

Vivian thinks it will take about 2 weeks, once the surveys are done, for BIA to review the residential lease application and approve it. The families will need to provide additional information, such as certificate of Indian blood, proof of address, proof that they are descendants of Ex. 6 Personal Privacy (PP) and payment.

Maher later noted that DCRM knows the families and wants to complete the residential lease application in a timely fashion.

3. Relocation package

BNSF mailed the relocation package today, with copies to Steve and Vivian. Mike will email electronic copies to Vivian, EPA, Lester Tsosie, and Jerry Degroat. Vivian may share with Navajo DOJ and Oliver Whaley. EPA committed to reviewing the package within 1 week, to flag any concerns relevant to EPA and the CERCLA work. Vivian will ask Navajo DOJ and EPA reviewers for a similar commitment.

Summary of the package's contents: a cover letter explaining why the relocation is needed and what the offer contains. The offer is two brand new mobile home trailers, with a choice of two different models. Brochures on the options are included. The offer also includes hooking up utilities – water, septic, and electricity. It also includes a legal agreement (settlement and release) for families and BNSF to sign. The offer does not include moving costs. BNSF will properly dispose of current homes as part of the TCRA.

4. Baca Chapter Meeting and Community Liaison

BNSF was able to get on the agenda for the chapter meeting without attending the planning meeting. The chapter meeting was held July 9. BNSF presented background and plans for Haystack, and solicited input for a community liaison. The chapter will be in contact next Thursday about any suggestions. Then it will be up to BNSF to interview and review candidates.

Sona suggested asking Priscilla for insights on good qualities for a community liaison, and suggested watching for people who may have a personal agenda or potential conflict of interest that could affect their effectiveness – look for someone who can play a neutral role.

Vivian added that BNSF could ask its tribal liaison for ideas about good qualities for a community liaison. BNSF is meeting with Oliver Whaley with BNSF's new tribal liaison on July 30 to provide a presentation on Haystack and BNSF. BNSF will forward the invitation to Vivian.

If the Baca Chapter doesn't provide enough good candidates for the role, Vivian suggested posting fliers and securing radio ads for the position.

Maddy asked for clarification on timing, and Mike and Maher said that the hiring of a community liaison will not hold up presentation of the relocation package to the family. However, they hope to have the same contractor do the relocation and the TCRA, with the TCRA starting very shortly after the relocation, so they will want to have a community liaison in place before construction starts.

5. Contractor update

BNSF talked with the three contractors who had expressed interest in the TCRA work, and all three are also interest in relocating the families. The next step is to schedule a bid walk with the contractors and then get bids. BNSF will start the scheduling process next week.

6. Schedule

Maher stated that he wants to wait until Lester Tsosie has reviewed the relocation package before revising the schedule formally, hopefully at the end of next week.

The estimate for now is that the work will be done in the fall. BNSF estimates that it will take 2-3 months to get the family into a new spot and set up utilities, then conduct the TCRA immediately after.

Sona expressed concern that the family will be disappointed about this delay, and urged BNSF to demonstrate with their actions that they are really getting the ball rolling and taking the timing seriously.

Mike acknowledged that BNSF is committed to moving forward in a timely manner, and explained that he has had a hard time getting BIA to respond to their questions about how this process works, but that is behind them now, BNSF has all that it needs and doesn't anticipate any further issues or delays with BIA, so long as BIA reviews the relocation package promptly. Maher also noted that it was very difficult to secure access, and it took at least a year to get it in place.

Vivian warned BNSF that there could also be a delay in getting a right of way for the water line extension, and suggested that BNSF call NTUA, as BNSF might need a right of way survey. Vivian will send BNSF the contact information for Shelly Biakeddy at NTUA – she knows about existing rights of way and has helped at Northeast Church Rock. Jacqueline Gibson at BIA has also been helpful and was able to find a right of way at another site rather than requiring a new survey.

BNSF will reach out to Shelly Biakeddy on Monday to attempt to fast track the water line extension. Vivian offered to be a point of contact for Shelly if she wants to know more about the relocation.

Next steps:

- A. Mike sent the electronic relocation package to EPA, BIA, and Vivian. Done 7/12.
- B. EPA will review the relocation package in the next week.
- C. Baca Chapter suggestions for community liaison are expected on Thursday, and BNSF will start its review of the applicants. If not enough applicants are available, BNSF will consider wider advertising.
- D. BNSF will start scheduling contractor bid walks.
- E. BNSF will contact NTUA on Monday about the water line extension.
- F. BNSF will provide an update on these steps next Friday, 7/19, in lieu of a conference call. Our next call will be 8/2.
- G. BNSF will provide a revised schedule once it has received the results of Lester Tsosie's review of the relocation package.
- H. Vivian has reached out to the Ex. 6 Personal Privacy (PP) regarding the relocation package on 7/12, and will send the relocation package to Oliver Whaley and Navajo DOJ.

Let me know if you have any questions or comments.

Thanks - Steve

Sent from my iPhone

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